

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DOUGLAS BRUCE,	:	
	:	
Plaintiff,	:	Case No. 3:21-cv-00080
	:	
v.	:	Judge Thomas M. Rose
	:	
CITY OF MIAMISBURG, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ENTRY AND ORDER DISMISSING PLAINTIFF DOUGLAS BRUCE’S THIRD
CAUSE OF ACTION (VIOLATION OF SUBSTANTIVE DUE PROCESS
AGAINST ALL DEFENDANTS)**

This action is brought under 42 U.S.C. § 1983 by Plaintiff Douglas Bruce (“Bruce”). In his Complaint (the “Complaint”), Bruce alleges that his properties were excessively fined, the two apartment buildings sitting on the properties were wrongfully demolished, and his properties were wrongfully subjected to tax liens and foreclosure by the City of Miamisburg; the Mayor of Miamisburg, Michelle Collins; Montgomery County, Ohio; and the Montgomery County Treasurer, Russell Joseph. (Doc. No. 1.) Defendants City of Miamisburg (“Miamisburg”) and Mayor Michelle Collins (“Collins”) (collectively, “Defendants”) filed an Answer (Doc. No. 13) and a Motion for Judgment on the Pleadings (Doc. No. 19) (the “Motion”). The Court entered an Order granting in part and denying in part Defendants’ Motion for Judgment on the Pleadings. (Doc. No. 25.)

The Court found that Bruce’s substantive due process claim was more appropriately brought under his first cause of action, a takings claim under the Fifth Amendment. (Doc. No. 25 at PageID 165.) The Court ordered Bruce to either: (1) amend the Complaint to state a substantive

due process claim; or, (2) file a memorandum responding to the Court's reasoning by November 1, 2021. (*Id.* at PageID 166.) On November 1, 2021, Bruce notified the Court that he did not intend to oppose the dismissal of his Substantive Due Process claim. (Doc. No. 27.) Bruce has not amended the Complaint to state a substantive due process claim. Therefore, the Court dismisses Bruce's Third Cause of Action (Violation of Substantive Due Process Against All Defendants).

DONE and **ORDERED** in Dayton, Ohio, this Wednesday, November 3, 2021.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE